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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/768,658

02/02/2004

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

03/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/768,658	Applicant(s) NAM ET AL.	
	Examiner FARZANA E. HOSSAIN	Art Unit 2424	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Christopher Kelley/
 Supervisory Patent Examiner, Art Unit 2424

Continuation of 3. NOTE: Claim 13 has a clarification that changes the scope of the claim.

The language of "on a television" versus "in a television" changes performing elements of the claim for searching on a television to having the television having components perform the elements to search. The amendment requires further search and/or consideration. The proposed amendment would make Claim 13 similar to claim 6.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding Claim 6, the applicant argues that Zylka clearly indicated in paragraph 38 that a gateway may be a set top terminal (STT)/personal versatile recorder unit (PVR) (200) and that the television set is linked to the video audio inputs and therefore, the gateway or STT/PVR should not be assumed to be the TV set (Pages 6-7). The applicant argues that a television searching and classifying multimedia contents on its own is distinguished from Zylka having a gateway for searching and classifying the contents (Page 7). The applicant argues that Zylka does not disclose the predetermined execution program to be executed for the multimedia content file selected by the user based on a classified result is selected and the multimedia content file is displayed by executing the predetermined execution program (Page 7).

In response to the argument, the examiner respectfully disagrees. The examiner did not state that Zylka disclosed a television comprising the elements. The office action on page 9 states "Zylka discloses a television (TV) and a set top terminal/personal video recorder (STT/PVR or STT or PVR) or gateway in (Figure 2, 300, Figure 1, Page 4, paragraph 0038) having a function of searching multimedia content (Page 5, paragraph 0051), the STT or gateway comprising." Sie was combined with Zylka to disclose a STT that can be integrated into the television (Page 16, paragraph 0171). Zylka clearly discloses a predetermined execution program displays the selected file as corresponding applications to user command performs features (Pages 1-2, paragraphs 0014-0016). Therefore, Zylka discloses wherein a predetermined program to be executed for a file selected by a user based on a classified result is selected and the file is displayed by executing the predetermined program (Page 3, paragraph 0033, Page 2, paragraphs 0016, 0018, Page 5, paragraph 0052, Page 1, paragraph 0014).

The applicants argue that the remaining claims are patentable based on similar reasons to claim 6. See above response.